

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
(Newport News Division)**

HAMPTON ROADS III OWNER, LLC *

Plaintiff, *

v. *

**SCIENCE SYSTEMS AND
APPLICATIONS, INC.** *

Defendant. *

CASE NO.: 4:23-cv-00119

* * * * *

**DEFENDANT SCIENCE SYSTEMS AND APPLICATIONS, INC.’S
NOTICE FOR REMOVAL**

Defendant Science Systems and Applications, Inc. (“SSAI”), through its undersigned counsel and pursuant to 28 U.S.C. §§ 1441, 1446, and 1332(a), hereby files this Notice of Removal, removing this action from the Circuit Court for the City of Hampton, Virginia, to the United States District Court for the Eastern District of Virginia (Newport News Division). In support of this Notice of Removal, SSAI states the following.

1. SSAI is the named Defendant in a lawsuit filed in the Circuit Court for the City of Hampton, Virginia, styled, *Hampton Roads III Owner, LLC v. Science Systems and Applications, Inc.*, Case No. GV23006510 (the “Circuit Court Action”). The Complaint was filed on or about August 8, 2023. On or about August 15, 2023, SSAI was served with the Complaint, thereby making its responsive pleading due on or about September 5, 2023.

2. On or about August 29, 2023, while in the process of being retained by SSAI and shortly before the Labor Day Holiday Weekend, counsel for SSAI contacted counsel for Hampton to request an extension of time to respond to the Complaint. On or about August 31, 2023, counsel

for Hampton Roads III Owner, LLC (“Hampton”), informed counsel for SSAI that it consented to a 21-day extension for SSAI’s responsive pleading, thereby making SSAI’s responsive pleading due on or about September 26, 2023. SSAI has not yet filed its responsive pleading to the Complaint.

3. SSAI is a Maryland corporation that was incorporated on or about April 4, 1977. SSAI’s principal place of business is located at 10210 Greenbelt Road, Lanham, Maryland 20706.

4. According to publicly available records, Hampton is a Delaware limited liability company formed on or about January 17, 2019, and its principal place of business is located at 485 Oak Glen Road, Howell, New Jersey 07731.

5. According to publicly available records, Hampton has a registered office in Virginia located at 1106 Llewellyn Avenue, Norfolk, Virginia 23507, and it has been registered to do business in Virginia since approximately February 5, 2019.

6. According to publicly available records, Hampton’s Registered Agent, Shani Rosenfeld, is a member or manager of Hampton and is not a citizen of the State of Maryland. Upon information and belief, Aryeh Pomerantz is a manager or member of Hampton and is a citizen of the State of New York.

7. Upon information and belief, none of Hampton’s member(s) or its manager are citizens of the State of Maryland.

8. There is complete diversity of citizenship with respect to the parties in this lawsuit.

9. The amount in controversy in this lawsuit is more than \$75,000.00, as Hampton is seeking more than \$75,000 in damages from SSAI by claiming SSAI breached a lease agreement between the parties.

10. Pursuant to 28 U.S.C. §§ 1441, 1446, and 1332(a), SSAI has the right to remove this action from the Circuit Court for the City of Hampton, Virginia, to the United States District Court for the Eastern District of Virginia (Newport News Division) based on complete diversity of citizenship and the amount in controversy being in excess of \$75,000.00.

11. SSAI was served with a writ of summons and a copy of the Complaint in the Circuit Court Action on or about August 15, 2023. *See* Exhibit A (Affidavit of Service dated August 15, 2023). Accordingly, this Notice of Removal is timely, as it is filed within 30 days after SSAI was first served with notice of the Circuit Court Action.

12. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon SSAI are attached to this Notice of Removal as Exhibit B.

13. Pursuant to 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, SSAI will give notice of the removal of this action to all parties of record and to the Clerk of the Circuit Court for the City of Hampton, Virginia.

WHEREFORE, SSAI, whose attorneys have signed this Notice of Removal pursuant to Rule 11 of the Federal Rules of Civil Procedure, hereby requests that this action proceed in the United States District Court for the Eastern District of Virginia as an action properly removed pursuant to 28 U.S.C. § 1441.

Respectfully submitted,

/s/ Stephen B. Stern

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Science Systems and Applications, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of September, 2023, a copy of the foregoing Notice of Removal was electronically filed with the Clerk of Court using the CM/ECF filing system and sent via electronic mail to the following:

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Counsel for Plaintiff
Hampton Roads III Owner, LLC

/s/ Stephen B. Stern
Stephen B. Stern